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SUBJECT: BOSNIA: INL-FUNDED PROGRAMS MAKING STRONG  
CONTRIBUTION TO MISSION OBJECTIVES

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Introduction

1. (U) U.S. Department of Justice International Criminal Investigative Training Assistance Program (ICITAP) and Overseas Prosecutorial Development Assistance and Training (OPDAT)-implemented rule of law projects, funded with INL-managed SEED funds, make important contributions to several high priority mission goals. USG assistance to state-level institutions such as the Ministry of Security, Border Police, State Investigation and Protection Agency (SIPA), the Foreigners Affairs Service, the State Court, and State Prosecutor's Office enhance the functionality of strong state institutions which is a prerequisite before Bosnia can become a EU candidate country. The increased ability of Bosnia's state-level and local law enforcement and judicial institutions to interdict, prosecute and sentence would-be terrorists, smugglers of drugs and weapons, and human traffickers diminish the ability of organized criminals to use Bosnia as a base of operations to export crime abroad thus allowing Bosnia to better fulfill security obligations to its citizens, neighboring countries, the EU and the United States. These OPDAT and ICITAP programs contribute directly to the following three Mission MSP goals: anchoring Bosnia on the road to Euro-Atlantic integration, building strong state-level law enforcement and judicial institutions and helping Bosnia effectively counter terrorism at home and abroad. This is the second in a series of monthly reporting cables on INL-funded rule of law and law enforcement projects.

Selected ongoing ICITAP and OPDAT activities

2. (U) ICITAP is conducting training at the Banja Luka police academy on the Use of Force. This class is training SIPA officers, but also includes some from entity police forces, thus helping increase ties/cooperation between state and entity police forces. This training module was initially developed in response to several high profile cases in which police officers responded to protests with excessive use of force in front of several media outlets, thus undermining citizen confidence in law enforcement institutions. This training has achieved a major shift in police behavior toward the public resulting in better police-civilian cooperation.

3. (U) OPDAT is preparing for an upcoming advanced training session on Asset Forfeiture Management to be conducted by the U.S. Marshals. Several high-level contacts in the State

Court and Prosecutor's Office have expressed high praise for the caliber of instruction at a previous U.S. Marshals training and how helpful the training was toward combating financial crimes. This session will build upon lessons learned and increase the capacity of local law enforcement and judicial officials to effectively use asset forfeiture to help deter organized crime and political corruption. Using the U.S. Marshals for this training has several benefits. First it taps into the high level expertise of the U.S. Marshals in this field while also proving highly cost effective as only travel and per diem need to be paid, while the Marshals continue to pay salaries, thereby maximizing the effective utilization of taxpayer dollars.

#### Combating Organized Crime and Terrorist Financing

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14. (U) OPDAT and ICITAP are working together to create a program for prosecutors at the State Court and financial investigators on how to investigate financial crime. This 80 hour course will provide comprehensive guidance on how to conduct an investigation and write reports to provide the solid documentation/reporting on the case needed for indictment. ICITAP's consultant has years of experience with the IRS makes him well qualified to conduct this course. The Resident Legal Advisor (RLA) along with IRS Frankfurt attache will also teach trial advocacy at moot court sessions. An added benefit of including prosecutors and investigators is to streamline police/prosecutor cooperation which often hinders the successful prosecution of cases in Bosnia. The sustainability of this knowledge transfer will be guaranteed by selecting the top students and providing them with separate train the trainer modules. The course will utilize

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the facilities of the Judicial Training Center (assisted with a grant several years ago) and efforts will be also made to deposit course curriculum there as well to increase the future utilization of the course materials.

15. (U) This course will help fill a gap in the ability of law enforcement and judicial institutions to properly instigate and carry through to prosecution the type of financial cases needed to tackle high level corruption in both business and government as well to bring down organized crime syndicates before they can export their criminal activities overseas to the U.S. or elsewhere. ICITAP has also created a 40 page handbook/checklist for prosecutors and investigators thus providing a textbook on financial crimes. Increasing Bosnia's ability to combat corruption is an important prerequisite for Bosnia to be approved as a candidacy country for EU accession. Improved capacity by Bosnian law enforcement and judicial institutions also diminishes the attractiveness of BiH to would be terrorist financiers as well, thus contributing to counterterrorism efforts.

#### Improving Capacity to Prosecute Trafficking Cases

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16. (U) ICITAP and OPDAT are also working on ten four-day joint-training sessions focusing on investigating and prosecuting trafficking in persons. This training will have special emphasis on how to interview sensitive victims including rape victims, write the reports needed to document TIP cases, how to best use direct and cross examination techniques to prosecute traffickers as well as how investigators can most effectively give testimony in trafficking cases. The best students will be selected to participate in train the trainer sessions thus ensuring the sustainability of this investment. Increasing Bosnia's ability to successfully prosecute and sentence would be traffickers in persons are of course essential to overall U.S. anti-TIP goals and for Bosnia to maintain the security standards expected of it for future EU accession.

#### Improving Police-Prosecutor Cooperation

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17. (U) OPDAT is providing a short-term legal advisor to the State Prosecutor's Special Department for Organized Crimes (SDOC), which prosecutes Bosnia's most egregious organized and financial crimes and human trafficking cases as well as terrorism cases. The head of SDOC, a USG funded secondee, had requested this assistance because, although his staff members are dedicated and have made significant progress under his leadership, they still require more training on common law principles that were introduced in the 2003 Criminal and Criminal Procedure Codes. They also lack experience and knowledge about how to deal with complex crimes and are hampered by lack of resources and police-prosecutor cooperation. The mandate of the legal advisor, who arrived in November and will be in country until early July, is to mentor prosecutors, legal officers, and other staff members in SDOC -- both national and international -- on how to effectively process complex cases from pre-investigation to trial. As a result of the advisor's presence, the office is now beginning to have joint police-prosecutor meetings to discuss cases, so that police investigators have a better grasp of what they need to be looking for, why it is important, what is admissible in court, how can they be effective witnesses, etc. This development directly contributes to our ongoing efforts to improve police-prosecutor cooperation, and by extension, successful prosecution of crimes nation-wide. The head of SDOC has reported that his staff is beginning to take a more proactive and strategic approach to their cases as a result of the interaction with the legal advisor.

Donor Coordinator  
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18. (U) OPDAT convened in mid December a second meeting of international donors, both EU bilateral missions and other international representatives, such as the EU and the OSCE with a view to improving donor coordination and to leverage funding. At the meeting, participants shared information about plans to provide training and educational opportunities for the next six months. They also agreed to reduce duplication of activities and to seek opportunities to team

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up on specific initiatives in an effort to reduce costs. OPDAT plans to convene follow-up meetings and to engage the HJPC ) which is in charge of evaluations, appointments, and discipline of the judiciary nation-wide -- in the process to ensure local involvement and buy-in.

Project Spotlight: Evidence Collection Project  
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19. (U) As we enter the final phase of implementation of the Evidence Collection Project from our ICITAP-implemented program, Post wishes to highlight the project's contribution in helping Bosnia to fight terrorism and organized crime domestically and to make a stronger contribution to regional and global security. Before the project was created it was widely recognized that the failure of law enforcement agencies and prosecutor's offices to properly collect and store evidence was hindering the ability to ensure that serious criminals, including would-be terrorists, were being prosecuted and sentenced for their crimes. The ICITAP Evidence Program undertook to establish and enhance the essential role of the evidence system within the law enforcement of Bosnia and Herzegovina through the development of a Book of Rules for Evidence, the creation of policies and procedures with the assistance of local law enforcement, establishing secured storage areas, and educating the police personnel on the handling of evidence. Skills and equipment transferred through this project to Bosnian law enforcement agencies and prosecutor's offices have already played an important role in helping to prosecute several organized crime and terrorism cases.

## Filling a Critical Gap

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¶10. (U) Prior to the start of the program, it was clear that police organizations throughout Bosnia and Herzegovina failed to recognize the importance of evidence handling and storage.

Local law enforcement agencies did not have the financial ability or the understanding of how to approach implementation of the proper method of seizing, packaging, and storing evidentiary items within a secured location. For example, during the initial assessment, the ICITAP Evidence Program Technical Advisor noticed that weapons were not being properly secured and evidence from crime scenes was being stored on the floor and in desk drawers of the crime technical departments. ICITAP's Evidence Program Technical Advisor conducted and completed assessments of all the current physical storage areas within police organizations and identified five major areas which needed to be addressed.

These included: 1) Recommendations for legislative provisions to specific Articles within the Bosnia and Herzegovina Criminal Procedure Code (CPC); 2) Implementation of State wide standardized policies and procedures; 3) Renovations of existing/non-existing evidence storage areas; 4) Develop and conduct an extensive training curriculum for designated evidence officers and police officers in the field; and 5) Implementation of a computerized evidence tracking system throughout Bosnia and Herzegovina.

¶11. (U) Under the guidance of the ICITAP's Evidence Program Technical Advisor, law enforcement counterparts established or are now making final provision for 29 modern evidence storage facilities, providing security and chain of custody for the safekeeping of seized objects: These facilities are located at SIPA headquarters and its four regional offices, the Border police headquarters and 6 six field offices, the Forensics laboratories in Sarajevo and Banja Luka as well as at 16 police buildings in the Federation, Republika Srpska, and Brcko District. ICITAP also developed policies for control of evidence and the amendments to the Bosnia and Herzegovina Criminal Procedure Code affecting the responsibility for the storage and dispositions of evidence. The project trained over 1400 personnel in the basic handling, packaging, and storage of evidence. In order to ensure that the training was sustainable, ICITAP's Evidence Program Technical Advisor worked to ensure that the training will be replicated domestically by Bosnian instructors for students enrolled in the Criminology Department at the University of Sarajevo and for new recruits at both the police academies in Sarajevo and Banja Luka.

## Getting more Bang for the USG Contribution

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¶12. (U) The Evidence Project succeeded in eliciting contributions from other donors and domestic law enforcement agencies. EU contributions to the forensics lab (reftel) provided major cost savings to the USG in creating a state-of-the-art evidence storage area at the lab in Sarajevo. State and district law enforcement agencies, who were offered USG funding to increase their ability to better store evidence, increased their budgets to help co-finance in some cases better structures for the evidence room and in many other cases to purchase increased quantities of evidence collection supplies. ICITAP worked with local and regional equipment suppliers both to reduce costs for the USG and to facilitate the future purchase of supplies by local law enforcement agencies as they begin to replenish equipment stocks on their own.

## Impact of the Evidence Project

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¶13. (U) The ICITAP Evidence Project helped create a proper

evidence system for handling and storage, but also included training and the creation of working groups to improve police and judicial co-operation. The overall impact of this project will be measurable by the increase in the number of positive criminal prosecutions by the BiH court system. However, the initial impact can be seen in how the provided equipment and training are being used, especially in recent high profile cases. State level and local law enforcement agencies including SIPA, Border Police, RS and Federation police forces regularly have already utilized evidence equipment and gained expertise to collect and store evidence in several cross border cases with Croatia. One high profile case in particular involved a significant amount of counterfeit Euro.

With this case Bosnia was able to demonstrate to its neighbor and to the EU significant improvements in the caliber of its law enforcement. Police also recently utilized the equipment and their increased expertise to effectively gather evidence in terrorism case involving a bomb in a crowded central Bosnia shopping center. In conclusion the project made strong contributions to strengthening state level law enforcement and judicial institutions, enhancing Bosnia's ability to combat terrorism at home and abroad as well as providing the technical capacity to help Bosnia better meet requisites for EU accession.

#### Upcoming Activities--Assessing a Weak Link to be Addressed

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¶14. (U) OPDAT is also working on a project to help assess a disturbing trend at the State Court: the reversal or modification by the appeals panel of more than 60 percent of verdicts in favor of defendants in organized/financial crime cases. This trend, which was recently highlighted in a report by international experts on international assistance to the State Court and the sustainability of reforms, is of particular concern to us because it undermines public confidence in the judiciary and that of police and prosecutors working on these cases. We have raised the issue numerous times with the State Court President and the High Judicial and Prosecutorial Council (HJPC) President, noting that Bosnia would need to demonstrate that it is effectively tackling organized crime in order to advance its EU accession efforts particularly given the problems the EU has had with Romania and Bulgaria in this regard. As a first step toward crafting an Embassy strategy to tackle this problem, OPDAT's locally employed assistant has finished the first phase of a project aimed at assessing the scope of the problem by gathering detailed information about specific cases, including the types of charges involved, first instance and appeal panel verdicts, and the reasons given by the appeals panels for their decisions. Once the project is completed, it will factor into future programming and lobbying efforts to resolve the vexing problem of unfavorable verdict appeals/reversals by the State Court appeals panel.

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